BUSINESS OF THE HOUSE.

Sri S. SIVAPPA (Sravanabelagola).—I have sent a 'Call Attention' motion.

Mr. SPEAKER.—The Hon'ble Member would get intimation about it shortly. It was given just now and how can we answer so quickly ?

LAYING OF PAPERS.

Sri MAQSOOD ALI KHAN (Deputy Minister for Mines and Geology).—I beg to lay the 29th Annual Report of the Mysore Sugar Company Limited for the year 1961-62 ; as required under sub-section (2) of section 639 of the Companies Act, 1956.

Sri KONDAJJI BASAPPA (Deputy Minister for Co-operation).—I beg to lay Notification No. DRL 119 VAD 62, dated 28th August 1963 [Amendments to the Mysore Village Panchayats and Local Boards (Delegation of Powers of Government) Rules, 1960]. As required under Section 246 of the Mysore Village Panchayats and Local Boards Act, 1959.

BUSINESS ADVISORY COMMITTEE'S REPORT.

Mr. SPEAKER.—I present the Thirteenth Report of the Business Advisory Committee.

Sri S. SIVAPPA.—I second it.

Sri A. R. PANCHAGAVI.—I move :

"That the House agrees with the Thirteenth Report of the Business Advisory Committee."

Mr. SPEAKER.—The question is :

"That the House agrees with the Thirteenth Report of the Business Advisory Committee."

The motion was adopted

NON-OFFICIAL RESOLUTION.

Sri K. L. SHIVALINGE GOWDA (Virupakshipur).—I am no moving my Resolution.

Mr. SPEAKER.—Now the Resolution of Sri A. J. Dodmeti may be taken.

Sri S. SIVAPPA.—The resolution is before the House and he cannot withdraw it unless the House approves.

Mr. SPEAKER.—The Hon'ble Member should read the rules. If it is not moved there is no question of withdrawing it. If it is to be withdrawn then the House should assent.

ಶ್ರೀ ಎ. ಜೆ. ದೊಡ್ಡಮೇಟಿ (ರೋಣ್).—ಸರ್ಕಾರದವರು ಈ ನಿರ್ಣಯವನ್ನು ಒಳ್ಳೆಯ ರೀತಿಯಿಂದ ವಿಚಾರ ಮಾಡಬಹುದು ಎಂಬ ತಿಳಿವಳಿಕೆಯಿಂದ ಈ ನಿರ್ಣಯವನ್ನು ನಾನು ಮೂವ್ ಮಾಡುವುದಿಲ್ಲ.

Sri S. SIVAPPA.—He is making a statement. Is it permissible?

Sri S. M. KRISHNA (Maddur).—Sir, you were pleased to observe that any Member had the liberty not to move a resolution. But can there be any qualification to that? The Hon'ble Member made a statement that the Government had good intentions and so he was not moving it.

Mr. SPEAKER.—What is the meaning of "qualifications"?

Sri S. M. KRISHNA.—He could have straightaway said that he was not moving the resolution and the matter would have ended there. But Sri Dodmeti went a step further and said something. He gave reasons for his not moving the motion. Is that permissible?

Sri G. V. GOWDA (Palya).—The point is whether a member can make a statement giving reasons for not moving a resolution standing in his name.

Mr. SPEAKER.—What can I do in the matter?

Sri C. J. MUCKANNAPPA (Sira).—Sri Shivalinge Gowda straightaway declined to move the resolution. That is proper. But what Sri Dodmeti did is not proper. ಸರ್ಕಾರದವರು ನಮಗೆ ವಾಗ್ದಾನ ಮಾಡಿರುವುದರಿಂದ, ಈ ವಿಷಯದಲ್ಲಿ ಸರಿಯಾದ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುತ್ತೇವೆಂದು ಭರವಸೆ ಕೊಟ್ಟಿರುವುದರಿಂದ ಈ ವಿಷಯವನ್ನು ಇಲ್ಲಿ ಚರ್ಚೆ ಮಾಡುವುದಕ್ಕೆ ಇಡುವುದಿಲ್ಲ ಎಂದು ಅಪ್ಪಣೆ ಕೊಡಿಸಿದರು. ನಾವು ಇಲ್ಲಿ ಚರ್ಚೆ ಮಾಡಿದ ಮೇಲೆ ನಿರ್ಣಯಕ್ಕೆ ಉತ್ತರ ಬರುತ್ತದೆ. ಆದರೆ ಮೇಲೆ ನಿರ್ಣಯದ ಸೂಚಕರು ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆ. ಚರ್ಚೆಯಾಗುವುದಕ್ಕೆ ಮೊದಲೇ ಸರ್ಕಾರ ಹೇಗೆ ಉತ್ತರ ಹೇಳಲು ಸಾಧ್ಯ ಮತ್ತು ಸೂಚಕರು ನಿರ್ಣಯವನ್ನು ಹೇಗೆ ವಾಪಸ್ಸು ಪಡೆಯಲು ಸಾಧ್ಯ? ಅದು ನಮಗೆ ಕಷ್ಟವಾಗುತ್ತದೆ. ಮಾನ್ಯ ಸದಸ್ಯರು ಒಂದೇ ವಾಕ್ಯದಲ್ಲಿ ನಿರ್ಣಯದಲ್ಲಿ ಅಡಗಿರತಕ್ಕ ವಿಷಯವನ್ನು ಹೇಳಿದರು. ಅದಕ್ಕೋಸ್ಕರ ಈ ನಿರ್ಣಯವನ್ನು ವಾಪಸ್ಸು ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಸಾಧ್ಯವಾಗುವುದಿಲ್ಲ.

Sri S. SIVAPPA.—In support of the point of order, I have another point. Can the Hon'ble Member be permitted to say in this House what transpired behind the House between himself and the Government? He said so and the records may be looked into. He said that Government had promised to look into these things and therefore he was not moving the resolution.

Sri S. NIJALINGAPPA (Chief Minister).—I am sorry. The Hon'ble Member has not heard him properly. He said no such thing.

Sri S. SIVAPPA.—He said it.

Sri S. NIJALINGAPPA.—No.

(Several members rose).

Mr. SPEAKER.—Order, Order. Let us be orderly. Let us not mix-up ideas.

(MR. SPEAKER)

Sri Muckannappa has dealt with the withdrawal of the resolution by Sri A. J Doddameti. All that Sri Doddameti has said is : " he is not moving the resolution". While so saying, he has said a few words.

Sri K. LAKKAPPA (Hebbur).—Sir, I support the point of Order raised.....

Mr. SPEAKER.—Sri Lakkappa, you must not say that all of a sudden.

Sri C. J. MUCKANNAPPA.—Will the chair look into what Sri Doddameti has said ?

Mr. SPEAKER.—In due course, I will do it. But in this Debate, we are taking away the useful time. I will deal with the Point of Order. I am putting the case to see whether I have understood it. Sri Doddameti while saying that he was not moving the resolution said that he had some sort of an assurance. Whether he is entitled to say that much or not, is the exact point.

Sri S. M. KRISHNA.—Sir, with due responsibility, I would like to draw the attention of the House to Rule 142 which reads :—

> " A member in whose name a resolution stands on the list of business may, when called upon, withdraw the resolution, and shall confine himself to a mere statement to hat effect".

I would like to lay emphasis on the words "shall confine himself to a mere statement to that effect." It is mandatory.

Sri K. LAKKAPPA.—I support the Point of Order. He has to withdraw it simply. He must take only that statement. What he has said will amount to a breach of privilege of the House. It is a vital statement of nepotism and corruption. I want to know whether the Government has assured in a private capacity behind the House when the House is in Session, and can the Hon'ble Member make a statement like that ? Would it not amount to a breach of privilege ? It is also the failure on the part of Government, because it is a correspondence between the Member and the Minister.

Mr. SPEAKER.—Is a Member entitled to debate a Point of Order ? How does the question of nepotism and corruption come in ?

Sri K. LAKKAPPA.—The Government has been involved in the resolution that has been moved by the Hon'ble Member. He has made a statement ; he is understood to have been promised by the Minister concerned or Government. Otherwise how is he able to make such a statement in the House ?

Sri ANGADI CHANNABASAPPA (Hadagalli).—Before he withdrew, he made a statement " I believe that the Government would attend to this and so I withdraw my resolution." Strictly speaking, according to rules, he is not entitled to make any statement under the Rule quoted by my friend Sri Krishna. He must only say, "I withdraw". Can the Hon'ble Member believe himself that the Government is going to do or if at all he believes the Government, on what assurance he believed ?

Mr. SPEAKER.—Is it a Point of Order as to what his beliefs are ?

Sri ANGADI CHANNABASAPPA.—We are not bothered about what the Hon'ble Member believes, and the assurance of the Government, if at all, must be disallowed and Sri Krishna's Point of Order must be considered.

† Sri C. J. MUCKANNAPPA.—Sir, under Rule 142 (1) it is stated that he shall confine himself to a mere statement to that effect. What is the statement that he has to make before he withdraws ? Is it the statement that is made by Sri A. J. Doddameti or any statement other than that ? Is it mere withdrawal ? If you can give us a ruling whether the statement made by him is correct, we will abide by that. If the statement made is not within the scope of Rule 142 (1), please allow us to refuse the permission and allow us to discuss the matter.

Sri G. V. GOWDA.—Rule 142 may be read with Rule 138 ;—

> " Member in whose name resolution stands on the list of business shall, except when he wishes to withdraw it, when called upon, move the resolution..."

he was called upon to move the resolution and according to Rule 142, he should confine himself to a statement " I withdraw". If you can read Rule 138 along with Rule 142, it clearly shows that he need not make a statement to justify that he is withdrawing. If the resolution before the House is moved and discussed, he can withdraw after making a statement. But, here is a case, where he has to simply say " I withdraw ". This is an exemption which is not envisaged in the rules. I submit that the Point of Order raised must be considered.

† Sri T. N. MADAPPA GOWDA (Nagamangala).—Sir, the practice and also the rule is that the gentleman who tables the resolution will have to read it and move it before the House. Then the Speaker will call upon the Member to support it or to say whatever he likes. Otherwise, the House will not be seized of the resolution. If the House is to be seized of it, it will have to be actually moved by the Member. The entire resolution will have to be read and then the Speaker will have to call upon the Member to support it. That is the practice. Sri A. J. Doddameti, of course, has said something other than simply saying "I withdraw". That, by itself will not amount to moving of the resolution and the House cannot be seized of it.

Sri S. SIVAPPA.—In support of the Point of Order, I further bring to the notice of the Learned Speaker Rule 142. The Hon'ble Member Sri A. J. Dodmeti while withdrawing the motion said 'I believe that the Government is going to find a solution for it and so he is going to withdraw it.' That statement usually comes when the motion is moved and discussed and then if the Member wants to withdraw that motion, he will say something. The statement which should have been made at the end of a discussed resolution was made by Sri A. J. Dodmeti while withdrawing the resolution. It is very clear. That statement should not

(SRI S. SHIVAPPA)

have been made, I request the Hon'ble Member to take some more time to deliberate upon and give a considered ruling on this subject.

Sri S. M. KRISHNA.—Sir, two things have emerged out of the discussions we have had on this point. One is that the Hon'ble Member Sri Dodmeti has made a statement. He has gone on record having made a statement. When he gave notice of this resolution, probably he did not believe in Government looking into this question. Now he says: "I have the belief that the Government that is in existence is going to look into this matter".

Mr. SPEAKER.—How does it come in, in relation to the point of order? I do not want any discussion on merits.

Sri S. M. KRISHNA.—I want then to make out that there must have been an assurance given or something must have happened to re-open that belief in the Government. That point also will have to be considered before the chair gives its ruling. What has transpired between Sri Dodmeti and the Government should be taken into consideration.

Mr. SPEAKER.—Am I to embark upon wild imagination? The point of order has nothing to do with the merits of the resolution.

Sri S. M. KRISHNA.—Under these circumstances, either Sri Dodmeti must be given an opportunity to make a bold statement and then withdraw the resolution or what he has said must kindly be expunged from the records.

Sri K. LAKKAPPA.—I would like to bring to the notice of the Chair rule 142(2):

> "A member who has moved a resolution or amendment to a resolution shall not withdraw the same except by leave of the Assembly."

This is a resolution that he has not moved. Nor has he asked the House to grant him leave for moving the resolution, because he has made a further statement. It is as if it is not moved. Therefore the resolution still stands and therefore he must move it. I support the point of order raised by Sri S. M. Krishna.

Sri C. J. MUCKANNAPPA.—The point of order raised by Sri S. M. Krishna has been watered down. He has requested the Speaker to expunge the statement of Sri Dodmeti. The Speaker must either rule out the point of order or say there is nothing objectionable. There is nothing like expunging what has been already said. Why should the statement made by My Hon'ble friend be expunged? It is not an objectionable statement that he has made.

Sri Mr. SPEAKER.—Before the Hon'ble member develops the point further, he must not tell me what alone I can do. He should leave it to me.

Sri C. J. MUCKANNAPPA.—No, Sir. Because Sri S. M. Krishna said that it should be expunged, I had to say this. The matter can be

expunged only when what has been said by the Hon'ble Member is found to be objectionable. In this case the Hon'ble Member has not made any objectionable statement and if it is expunged, there can be no point of order.

Sri G. V GOWDA.—What my Hon'ble friend Sri Krishna wanted to say is this Sir. What has been contemplated in rule 142 has not been done and so it must be expunged. If the point of order raised were to be allowed then the only alternative is to expunge the remarks made by Sri Dodmeti.

Sri K. LAKKAPPA.—Sir, My friend Sri C. J. Muckannappa raised the question of expunging.....

Mr. SPEAKER.—Let me ascertain from Sri Muckannappa whether he was vehement ?

Sri C. J. MUCKANNAPPA.—I do not understand what the Hon'ble Speaker says.

Sri K. LAKKAPPA.—Therefore my friend cannot argue that there is no point of order. The words spoken by Sri Dodmeti have been recorded and my friend Sri Muckannappa cannot argue like that.

Mr. SPEAKER.—The Hon'ble Member Sri Lakkappa must not proceed on the assumption that he has the last word to say on the subject. He has contributed nothing new. Even when he said for the third time, there is nothing that he has contributed. He has not contributed an iota.

Sri C. J. MUCKANNAPPA.—My friend by his wrong argument has worsened his case.

Sri K. LAKKAPPA.—I strongly protest, the Hon'ble Member cannot say like that. I seek the protection of the Chair. The Hon'ble Speaker may kindly take note that such an insinuation cannot be made by one member against another Member. What is this ?

Sri G. V. GOWDA.—'Wrong argument' is not unparliamentary.

10-00 A.M.

Mr. SPEAKER.—I think we have discussed this matter enough.

Sri S. SIVAPPA.—What Sri Krishna said was that if these words were not objectionable, then they would not be expunged because of their being not objectionable. If the chair feels that they are not objectionable, they will not be expunged. Then the point of order stands.

Mr. SPEAKER.—Now big questions open up, and there are several facets in it. If a ruling is wanted now, I have no objection. If as my friend Sri Sivappa has suggested, I may take sometime, study it well and give a ruling later, I have no objection. There is some confusion, which I want to mention. When the resolution is included in the list of Business, it is brought before the House, the member is called upon and at that stage he has to act under rule 138. So rule 142 does not come into operation at all. Therefore, reliance placed on rule 142 *prima facie* looks, misplaced. Rule 138 read.

"A member in whose name a resolution stands on the list of business shall, except when he wishes to withdraw it..."

(MR. SPEAKER)

How his wish is to be translated, although it means he is not entitled to make a speech ?

"...When called upon, move the resolution and shall commence his speech..."

Every component is there. If he moves it then he can make his speech.

"... shall commence his speech by a formal motion in the terms appearing in the list of business."

He reads the resolution 'I beg to move...' I repeat it. Then I call upon him to make a speech. That comes in the last part of rule 139. If the Hon'ble Members go on in an excited manner confusing the discussion the whole thing goes wrong. I belive that it is perfectly clear now that the rule relied upon by Sri Krishna is absolutely not applicable. Dose Sri Krishna want to say anythis against it ?

Sri S. M. KRISHNA.—I still have a doubt lurking in my mind.

Mr. SPEAKER.—The Hon'ble Members can kindly tell me in my Chamber if he wants to say anthing. Before I pronounce the ruling, I shall give a chance to the House. The matter is made complicated.

Then comes the question of expunging. What are the rules governing expunging ? Is it objectionable ? I will make a study and give a considered ruling later on.

We shall take up the next Resolution of Sri J. P. Sarwesh.

Non-offical Resolution *re*: Implemention of the Decision of the Supreme Court regarding reservation in Government Services in respect of Backward Classes and Scheduled Castes.

Sri J. P. SARWESH (Serum).—Sir, I move :

"That this Assembly is of opinion that Government should take immediate steps to implement the decision of the Supreme Court, that the principle of reservation in Government services in respect of Backward Classes and Scheduled Castes should be followed both at the time of initial appointment and while making promotions to Selection posts, with a view to give adequate representation to Backward Classes and Scheduled Castes in Government services."

Mr. SPEAKER.—Resolution Moved :

"That this Assembly is of opinion that Government should take immediate steps to implement the decision of the Supreme Court, that the principle of reservation in Government services in respect of Backward Classes and Scheduled Castes should be followed both at the time of initial appointment and while making